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FIFTY-EIGHTH LEGISLATURE

**FIFTY-SECOND LEGISLATIVE DAY
WEDNESDAY, MARCH 1, 2006**

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except President Pro Tempore Geddes, and Senators Burkett, Cameron, Goedde, Hill, Keough, Lodge, Marley, McGee, Pearce, Richardson, Sweet, Werk, and Williams, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Kyle Raese, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senator Goedde was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 28, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 1, 2006

The JUDICIARY AND RULES Committee reports that **S 1422** has been correctly printed.

DARRINGTON, Chairman

S 1422 was referred to the Finance Committee.

February 28, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1255** was delivered to the Office of the Governor at 2:37 p.m., February 28, 2006.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 28, 2006

The JUDICIARY AND RULES Committee reports that **S 1266**, as amended, **S 1350**, as amended, **S 1390**, as amended, **S 1400**, as amended, **S 1354**, as amended, as amended, **S 1332**, as amended, **S 1412**, as amended, **S 1395**, as amended, and **S 1409**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

S 1266, as amended, **S 1350**, as amended, **S 1390**, as amended, **S 1400**, as amended, **S 1354**, as amended, as amended, **S 1332**, as amended, **S 1412**, as amended, **S 1395**, as amended, and **S 1409**, as amended, were filed for first reading.

February 28, 2006

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1266**, **S 1350**, **S 1390**, **S 1400**, **H 533**, **S 1354**, as amended, **S 1332**, **S 1412**, **S 1395**, **H 601**, and **S 1409** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 1, 2006

The FINANCE Committee reports out **S 1422** with the recommendation that it do pass.

CAMERON, Chairman

S 1422 was filed for second reading.

February 28, 2006

The AGRICULTURAL AFFAIRS Committee reports out **H 465** with the recommendation that it do pass.

WILLIAMS, Chairman

H 465 was filed for second reading.

February 28, 2006

The TRANSPORTATION Committee reports out **S 1367**, **H 560**, and **H 561** with the recommendation that they do pass.

BRANDT, Chairman

S 1367, H 560, and H 561 were filed for second reading.

February 28, 2006

February 28, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1411, H 578, H 452, H 585, and H 586** with the recommendation that they do pass.

ANDREASON, Chairman

S 1411, H 578, H 452, H 585, and H 586 were filed for second reading.

Senators Hill, Lodge, McGee, and Pearce were recorded present at this order of business.

February 28, 2006

The HEALTH AND WELFARE Committee reports out **S 1417** with the recommendation that it do pass.

COMPTON, Chairman

S 1417 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 28, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that John Ewing of Boise, Idaho, was appointed as a member of the State Building Authority to serve a term commencing January 1, 2004, and expiring January 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Richardson, Sweet, and Werk were recorded present at this order of business.

Mr. President:

I transmit herewith **H 412** which has passed the House.

JUKER, Chief Clerk

H 412 was filed for first reading.

February 28, 2006

Mr. President:

I transmit herewith Enrolled **H 413** and **H 434** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 413** and **H 434** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that **HCR 39** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator McKenzie, seconded by Senator Stegner, **HCR 39** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

President Pro Tempore Geddes and Senators Burkett, Cameron, Keough, Marley, and Williams were recorded present at this order of business.

The President announced that **HCR 31** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Brandt, seconded by Senator Kelly, **HCR 31** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

H 533, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the first time at length and filed for second reading.

H 601, as amended in the Senate, by Transportation and Defense Committee, was read the first time at length and filed for second reading.

S 1266, as amended, by Transportation Committee, was read the first time at length and filed for second reading.

S 1350, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

S 1390, as amended, by Health and Welfare Committee, was read the first time at length and filed for second reading.

S 1400, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

S 1354, as amended, as amended, **S 1332**, as amended, and **S 1412**, as amended, by Judiciary and Rules Committee, were read the first time at length and filed for second reading.

S 1395, as amended, by Education Committee, was read the first time at length and filed for second reading.

S 1409, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

H 412 by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 591 and **H 592**, by State Affairs Committee, were read the second time at length and filed for third reading.

H 700 and **H 701**, by Appropriations Committee, were read the second time at length and filed for third reading.

H 564 and **H 566**, by Health and Welfare Committee, were read the second time at length and filed for third reading.

S 1407 and **S 1408**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

S 1404, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

SJR 107 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Lodge, Cameron, and Werk arose as co-sponsors of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--Bunderson, Davis, Little, Malepeai. Total - 4.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared **SJR 107** adopted, title was approved, and the resolution ordered transmitted to the House.

S 1373 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1373** passed, title was approved, and the bill ordered transmitted to the House.

SJR 106 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Cameron, Darrington, Fulcher, Keough, Langhorst, Malepeai, Marley, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Williams. Total - 18.

NAYS--Burkett, Coiner, Compton, Corder, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Little, Lodge, McGee, Stegner, Werk. Total - 16.

Absent and excused--Burtenshaw. Total - 1.

Total - 35.

Less than two-thirds having voted in the affirmative, the President declared that the Senate had failed to adopt **SJR 106** and ordered the resolution filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Thursday, March 2, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary